



Office of the City Engineer

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4/20/2012

David Buck, P.E.
City Engineer and Public Works Director
City of West Lafayette

Re: Artistic Construction

Dear Dave,

This letter is summarize our experience with Artistic Construction and Mr. Art Raffati. We entered into a contract with Artistic in early September of 2009. On October 13, 2009, we met on site with Artistic to re-iterate our safety requirements for a project, because they had removed 1,200 feet of sidewalk on the west side of 18th Street between Teal Rd and Beck Lane and failed to protect the work zone. Additionally, Artistic violated the Davis Bacon Act and failed to pay the appropriate wages and provide the correct documentation. On October 28, 2009 the project was in the same condition with no progress. A jogger had fallen into the hole at Beck Lane and 18th Street because Artistic had not barricaded the work zone. A letter was sent to Artistic to correct the violation. It was not corrected.

It was at this point we made the decision to terminate our working relationship with Artistic. We negotiated a final bill for the limited work completed. Then we awarded the job to the second low bidder to re-work sidewalk already poured at incorrect grades, and finish the project that had been started. This project cost the City an additional \$50,000 over the second low bidder's price to fix incorrect work and get the project completed. It also delayed other work that should have occurred with the street paving that season.

As a result of this experience, the City passed a responsible bidders ordinance. Based on the requirements set forth in that ordinance, if Artistic were to bid a project today, I would not find them to be a "Responsible Bidder".

Let me know if you have any questions.

Sincerely,

Jennifer Miller, P.E.
City Engineer and Public Works Director

October 28, 2009

Art Rafati
Artistic Construction
3150 E. Pembroke Lane
Brazil, IN 47834

Dear Mr. Rafati

There are some safety issues on the S. 18th Street Sidewalk Project that are of great concern to the City Engineers Office. As we had discussed in the pre-construction meeting, safety on any job is of utmost important and we feel that there are some deficient safety measures that need to be corrected.

On Wednesday October 13, 2009 I met on site with you concerning the 1200 feet of sidewalk that you had excavated the night before and left open and unprotected after your construction crews have stopped operations for that day. I followed up with an email about the excessive excavations, lack of safety precautions and traffic control.

These safety measures are still not being followed as outlined in the general conditions of the contract, Page 18 that states:

The Contractor shall provide adequate signs, barricades, warning lights and watchmen and take all necessary precautions for the protection of the work and safety of the public. All barricades and obstructions shall be protected at night by suitable signal lights which shall be kept operative from sunset to sunrise. Barricades shall be of substantial construction and shall be painted such as to increase their visibility at night. Suitable warning signs shall be so placed and illuminated at night as to show in advance where construction, barricades or detours exist

On October 27, 2009 a handicap ramp at the N.W. Corner of S. 18th & Beck Ln. was left open and unprotected all night and a jogger fell into the hole.

As we also discussed in the preconstruction meeting, the castings in the sidewalk are to be adjusted to the grade of the new sidewalk (Special provision page 5), you have made

adjustments in the sidewalk to meet the grade of the castings. These sections of walk are to be removed, the castings adjusted to the grade of the walk and the sidewalk replaced at no additional cost to the City of Lafayette.

Failure to correct these issues and follow the specification listed in the bid documents is considered a breach of contract and could lead to a termination of your contract with the City of Lafayette.

Respectfully yours,

Stanley Knight

CC: Jenny Miller, City Engineer
Ed Chosnek, City Attorney
Brian Bugajski, Redevelopment Project planner

November 2, 2009

Art Rafati
Artistic Construction
3150 E. Pembroke Lane
Brazil, IN 47834

Dear Mr. Rafati

We continue to have ongoing problems on the S. 18th Street sidewalk project. There have been mistakes that could have been avoided if you would have used the City of Lafayette specification book and if you had read the documentation in the City of Lafayette bid packet.

Monday November 2, 2009, when onsite I noticed you were using The City of Indianapolis Spec Book. We were discussing the driveway approaches and you were talking to one of your employees and making reference to a spec book. When you showed me the spec book I saw that it was the City of Indianapolis specifications. We also discussed the truncated domes you had on site for the handicap ramps. As we discussed the material that you had planned on using for the installation of the ramps all you could say was, "this is how they do it in Indianapolis". I explained that you must use the cast iron plates or the masonry brick and that we are not Indianapolis.

I had sent you an email on October 13, 2009 concerning the resident and her health issues at 2504 S. 18th Street. Her Driveway should have been accessible throughout the construction period. The driveway was not accessible and as it turned out an emergency crew was needed for medical attention for Mrs. Weston and the driveway was not accessible and they ambulance had to park down the street.

Lack of documentation is yet another deficiency. On September 24, 2009 Mike Smith of Butler, Fairman, & Seufert, Inc. had discussed the performance bond with you and your bonding company with 100% of the project expected to be bonded. On October 6, 2009 during the pre-construction meeting, you were asked to provide a performance bond to the City of Lafayette and we have yet to receive this. Failure to provide the City of Lafayette with a Performance bond which is clearly stated in the bid packet is a breach of contract.

This project has been burdened with problems from the 1st day, these problems/faults lie upon Artistic Construction and the lack of attentiveness to detail and documentation that has been provided to you by the City of Lafayette.

Respectfully,

Stanley Knight
City of Lafayette Engineering Department

Tuesday October 6, 2009 – Preconstruction meeting, discussed bonding and construction, safety and work schedule.

Wednesday October 8, 2009 – Work Began

Wednesday October 13, 2009 – Talked with Art about safety issues, 1200 foot of sidewalk was excavated with no warning tape or precautions taken for safety of the excavated areas.

October 27, 2009 – Jogger fell into excavated handicap ramp on the N.W Corner of 18th and Beck. Area was excavated and left open overnight.

October 28, 2009 11:00 am, Handicap ramp at 18th & Beck is still not properly marked or taped off.

October 29, 2009 – Received a call from the resident at 2504 S. 18th Street. An ambulance had to come and take her mother to the hospital. The ambulance could not enter the driveway because it was not finished (backfilling with stone), I had sent an email previously to Artistic alerting them to the illness of this elderly woman and to make sure that they had drive access constantly.

November 2, 2009 – Met on site with Art to inspect 5 driveway approaches, I failed 2 of the approaches, while talking with Art I noticed he has polyurethane truncated domes for the Handicap ramps. I told him that those were not acceptable and that he had to use the cast iron plates or the bricks in all handicap ramps. He was using the specifications from the city of Indianapolis and said “well we use these in Indianapolis all the time” I said well we don’t use them here. The drive approaches are wet and soft. Standing water is them. The compaction is sufficient and not pumping but not solid either.